

# Daily Digest

## HIGHLIGHTS

Senate continued consideration of tax reform bill, and passed military construction appropriations bill.

House passed the Department of Defense appropriation bill.

Senate committees approved bills on crime control, drug control, foreign aid authorizations, and Federal employees pay.

## Senate

### Chamber Action

#### Routine Proceedings, pages S16030-S16048

**Bills Introduced:** Two bills and one resolution were introduced, as follows: S. 3218 and 3219; and S.J. Res. 166.

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**Bills Reported:** Reports were made as follows:

S.J. Res. 154, requesting the President to proclaim the month of January of each year as "National Blood Donor Month" (S. Rept. 91-578);

H.J. Res. 10, requesting the President to proclaim the second week of March as "Volunteers of America Week," with an amendment (S. Rept. 91-579);

S. 1148, to provide land-grant status for the College of the Virgin Islands and the University of Guam, with amendments (S. Rept. 91-580);

H.R. 9233, to promote the efficient and effective use of the revolving fund of the Civil Service Commission, with an amendment (S. Rept. 91-581);

H.R. 13000, proposed Federal Salary Comparability Act of 1969, with amendments (S. Rept. 91-582);

S. 2523, to provide grants for construction of community mental health centers, with amendments (S. Rept. 91-583);

S. Res. 239, referring to the Court of Claims S. 2807, a private claim bill (S. Rept. 91-584); and

H.R. 11503, private bill (S. Rept. 91-585).

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**Sundry Bills Passed:** Senate took from calendar and passed the following bills:

**Without amendment and cleared for President:**

*Fort Donelson National Battlefield:* H.R. 13767, authorizing funds for acquisition of certain land at Fort Donelson National Battlefield, Tenn.

**With amendment, to be sent back to House:**

*Public lands:* H.R. 9163, authorizing disposal of certain land in Chickamauga and Chattanooga National Military Park, Ga.; and

*Vessel safety standards:* H.R. 210, eliminating requirements for disclosure of construction details on passenger vessels meeting prescribed safety standards.

**Without amendment and cleared for House:**

*Indian school teachers:* S. 2619, relating to travel and transportation expenses of teachers in schools operated by the Bureau of Indian Affairs;

*Independence National Historical Park:* S. 2940, authorizing funds for acquisition of certain property for Independence National Historical Park, Pa.; and

*Fish and wildlife:* S. 1232, to provide for State management of fish and wildlife.

Pages S 16030-S 16032, S 16092-S 16094

**Appropriations—Military Construction:** By unanimous vote of 82 yeas, Senate passed with committee amendments (motion to reconsider tabled) and returned to the House H.R. 14751, fiscal 1970 appropriations for military construction.

Senate insisted on its amendments, asked for conference with House, and appointed as conferees Senators Mansfield, Bible, Proxmire, Yarborough, Russell, Symington, Pearson, Fong, and Young of North Dakota.

Pages S 16049-S 16052

**Tax Reform:** Senate continued consideration of H.R. 13270, proposed Tax Reform Act of 1969, taking action on additional amendments thereto as follows:

**Adopted:**

(1) By 50 yeas to 37 nays (motion to reconsider tabled), Inouye amendment No. 319, deleting section of bill under which the portion of lump-sum distributions attributable to employer contributions made after December 31, 1969, would be taxed as ordinary income rather than as capital gain;

(2) By voice vote, Ribicoff amendment No. 392, reducing from one-fifth of 1 percent to one-tenth of 1 percent the rate of audit fee tax on audits of assets of foundations after 1970;

(3) By voice vote, Curtis amendment No. 390, extending from February 15 until March 15, deadline for

as justified. In other countries, about 10 to 20 per cent of complaints fully investigated are found to be valid. For comparative data see Kent M. Weeks, *A Comparative Analysis of the Civil Ombudsman Offices in Denmark, Finland, New Zealand, Norway and Sweden* (Berkeley, Calif.: Institute of Governmental Studies, University of California, January 1967).

<sup>7</sup> The State Services Commission, formerly called the Public Service Commission, employed 68,842 persons in 1967, about 2.5 per cent of the total population, as compared with about 1.5 per cent employed by the federal government in the United States. There are additional state employees not under the State Services Commission.

<sup>8</sup> This compromise was obtained so that the "constitutional" principle of ministerial responsibility to Parliament would not be violated by the interposition of the Ombudsman.

<sup>9</sup> The New Zealand Ombudsman, Sir Guy Powles, is an attorney (although the Ombudsman legislation does not require that the appointed be an attorney) who had had military experience and experience in government most recently as High Commissioner to Western Samoa and to India. His staff consists of an administration assistant, formerly with the New Zealand Army; a legal officer, who is an attorney and who had served as legal officer to the State Services Commission; an investigator, formerly a British citizen employed in the colonial office; and two clerk-typists.

<sup>10</sup> G. Powles, "The Citizen's Rights Against the Modern State, and Its Responsibilities to Him," *International and Comparative Law Quarterly*, Vol. 13 (1964), p. 785.

<sup>11</sup> When data from the questionnaire is cited, the term "public servants" is used to refer to the group of randomly chosen public servants.

<sup>12</sup> Mr. Finlay, New Zealand Parliament, *Hansard's Parliamentary Debates*, May 18, 1967, p. 648.

<sup>13</sup> For a two-year period ending June 30, 1967, only six permanent heads and nine public servants recalled referring complaints to the Ombudsman; they made such a suggestion a total of 35 times.

<sup>14</sup> Report of the Ombudsman for the year ended 31 March 1964 (Wellington, N.Z.: Government Printer, 1964), p. 5.

<sup>15</sup> Ibid.

<sup>16</sup> In any event, 45 per cent of the permanent heads and 50 per cent of the public servants indicated that since the establishment of the Ombudsman Office, the attitude of the public toward the public service was more favorable. None thought the public attitude was less favorable.

<sup>17</sup> Report of the State Services Commission for the year ended 31 March 1965 (Wellington, N.Z.: Government Printer, 1965), p. 5.

<sup>18</sup> See the remarks of Alfred Bekefius in U.S. Congress, Senate Committee on the Judiciary, *Ombudsman, Hearings*, before a subcommittee of the Committee on the Judiciary, United States Senate, 89th Congress, 2nd Session, 1966, p. 19.

<sup>19</sup> "Ombudsman" Bill Sheer Humbug," *Public Service Journal*, Vol. 48 (August 1961), p. 2.

<sup>20</sup> New Zealand Public Service Association, "Submissions of the New Zealand Public Service Association to the Chairman and Members of the Statutes Revision Committee of the House of Representatives," unpublished memo., August 8, 1962.

<sup>21</sup> Ibid.

<sup>22</sup> The legislation excludes from the Ombudsman's review decisions of local government agencies, most complaints from military personnel, the decisions of judicial officers, and decisions of certain other departments. Eighty-eight per cent of the department heads and 93 per cent of public servants indicate that the jurisdiction of the Ombudsman Office should be extended to local government agencies that are financed by the national government. An

amendment to the Ombudsman Act was adopted in December 1968, giving the Ombudsman Office limited jurisdiction over education boards and hospital boards based on the rationale that these local agencies receive the bulk of their financing from the national government.

<sup>23</sup> *Public Service Journal*, Vol. 52 (July 1965), p. 1.

<sup>24</sup> Of the 56 complaints classified as justified by the Ombudsman during the year ending March 31, 1967, 12 complainants had contacted a departmental officer and had failed to obtain redress prior to submitting their complaints to the Ombudsman.

<sup>25</sup> Of the 77 complaints against the State Services Commission during the period October 1, 1962, to March 31, 1967, and fully investigated, 22, or 29 per cent, have been classified as justified, as compared to 18 per cent for all of the Ombudsman's investigations.

#### THE MAKING OF A JUSTICE

#### HON. RICHARD L. ROUDEBUSH OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 8, 1969

Mr. ROUDEBUSH. Mr. Speaker, of all the editorial comment concerning the Haynsworth rejection by the Senate, I believe that Owen Hansen of the Lebanon, Ind., reporter, has come up with the most pertinent observation.

In a satirical approach to a serious subject, Owen gets to the heart of the matter.

As the Indiana writer suggests, the Senate is looking for someone who can walk on water.

The article follows:

#### THE MAKING OF A JUSTICE

(By Owen Hansen)

Much has been said about the defeat of Clement Haynsworth as a Justice of the U.S. Supreme Court.

The Senate says it will suggest that more stringent rules be mandatory in the nomination of future judges. This would insure that the background of the nominee is perfectly clean.

I suggest that the candidate be nominated at birth. This method would permit the mother and father to stop the future jurist from engaging in such nefarious activities as playing marbles as a kid, buying up any properties when at the Monopoly table at home and dating until he is 27.

Should any free soap samples be sent to the nominee's home by mail, a watchful mother can immediately report same to the postal authorities to assure there will be no later accusations of payola.

Should the infant be brought up knowing that someday he will be called on to appear before the Senate for advice and consent, he can pave his path ahead of time by never visiting the South, by working his way through the ranks of organized labor and serving then for a tenure on the NAACP's policy committee.

The Supreme Court Justice of the future should be made to be born in a manger and wear a halo over his head.

He should spend his years from 16 to 35 in a monastery of the Redemptorist Order and be vaccinated daily against the disease of temptation.

And then the final day comes when the future jurist takes his test before Congress to see whether he is fit to serve on the nation's highest court. If he can walk on water, he's in. If he sinks, he can then join the renown law firm of Fortas and Haynsworth.

#### SOCIAL SECURITY INCREASES AND SOCIAL PROGRAMS

#### HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 8, 1969

Mr. PHILBIN. Mr. Speaker, I was very much pleased to learn that the House Ways and Means Committee had approved a 15-percent rise in social security payments as provided in a bill I introduced some time ago.

This bill should give some much needed relief to social security recipients but, of course, it is far from being adequate, when one considers that the minimum payments are \$55 per month.

However, I feel that under all the circumstances, much higher increases are warranted, but was of the opinion that the 15-percent increase would probably be signed by the President, whereas a higher increase, such as I was prepared to support, might not be.

In any event, I think we are moving in the right direction, but much remains to be done before we have a social security payment scale that will do justice to many covered by the Social Security System.

I believe that our House Ways and Means Committee, at a very early date, should inaugurate full hearings to overhaul the social security and medicare laws to provide better coordination and more realistic benefits that will reflect the sharp increases in our price levels and cost of living. All social security programs should be bracketed under one statutory roof.

I again urge our appropriate House committees to give painstaking consideration to the very serious problems stemming from increased needs throughout the Nation of modern, hospital accommodations at reasonable rates, since the current situation affecting hospitals, rates, health plans, and the capacity of many people to afford and pay escalated hospital and related costs gives rise to some of the most challenging problems we face.

I believe that the Congress must make a broadside attack upon these problems, and come up with suitable legislation that will effectively solve them on a long-run basis that will coordinate various social programs.

Further delay in this field will lead not only to hopeless confusion, but to intolerable aggravation of the problems arising from lack of modernized, hospital accommodations, care and treatment, and the rapid, sharp increases in costs in these areas.

I hope the leaders of the Congress and the committees concerned in these areas will take early action to come up with a broad, comprehensive revision and consolidation of current laws to provide the authority and the funds needed to put these great social programs in proper perspective and provide suitable, effective relief, and insure the best modern care and the means to pay for it, to those who are currently finding it increasingly impossible to do so under present conditions. This is a subject of primary priority that can not be deferred and face further deterioration.